

REMARKS

Claims 1-19 are pending in this application.

Claims 1, 4-8, 13, 18 and 19 stand rejected. Claims 2, 3, 9-12 and 14-17 stand objected to. Claims 18 and 19 have been canceled without prejudice. Claims 20 – 29 have been added. It is respectfully submitted that no new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 102:

Claim 1

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,020,945A to Sawai et al. ("Sawai").

Applicants respectfully submit that Sawai does not disclose or suggest a touch panel detecting a point where a first transparent electrode is electrically connected to a second transparent electrode to detect a position of an object that touches an outer surface of the touch panel, as recited in claim 1. Therefore, claim 1 is not anticipated by Sawai.

Claim 1 recites a first transparent electrode being electrically connected to a second transparent electrode to detect a position of an object. Examiner states that this feature is "inherent to the type of touch panel taught by [Sawai]". Applicants respectfully disagree. It appears that the Examiner assumes two ITO films (5) respectively function as a first transparent electrode and a second transparent electrode and the two ITO films (5) can be connected to each other.

However, one of ordinary skill in the art will readily appreciate that Sawai does not disclose two ITO films (5) that touch each other. Indeed, each of the ITO films (5) is disposed on glass layers (3, 4), which are not bendable enough to touch each other. See

e.g., Fig. 8 of Sawai. Thus, it follows that the ITO films (5) disposed on the non-bendable glass layers are not bendable enough to touch each other. The disclosure in Sawai does not support the Examiner's conclusion that the claimed feature is inherent to the type of touch panel taught by Sawai.

Accordingly, Sawai does not disclose a touch panel detecting a point where a first transparent electrode is electrically connected to a second transparent electrode to detect a position of an object that touches an outer surface of the touch panel.

Therefore, Applicants respectfully request that Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(b) and that claim 1 is in condition for allowance.

Claims 18 and 19

Claims 18 and 19 under 35 U.S.C. § 102(b) stand rejected as being anticipated by U.S. Patent No. 5,729,319 A to Inou et al. ("Inou").

This claim rejection is moot since claims 18 and 19 have been canceled.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 4, 5-8 and 13

Reconsideration is respectfully requested of the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sawai in view of U.S. Patent No. 6,559,902 to Kusuda et al. ("Kusuda").

Applicants respectfully submit that there is no suggestion or motivation to combine Sawai and Kusuda. The Examiner does not state the motivation to combine the references. Indeed, Sawai teaches away from their combination. Kusuda describes spacers disposed between an upper electrode and a lower electrode. In contrast, Sawai

suggests between a polarizing plate (8) and an upper glass layer (4) as a location for disposing spacers. See Fig. 13 of Sawai. Thus, Sawai discourages disposing spacers between the two ITO films (5).

Accordingly, the Examiner's reliance on the combination of Sawai and Kusuda to support the rejection under section 103 is misplaced and the rejection of claim 4 is legally deficient.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claim 4 under 35 U.S.C. § 103(a) and that claim 4 is in condition for allowance.

Reconsideration is respectfully requested of the rejection of claims 5-8 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Sawai.

As claims 5-8 depend from claim 1, they are not rendered obvious by Sawai for at least the reasons provided above for claim 1.

Claim 13

With respect to claim 13, applicants respectfully submit that Sawai does not disclose or suggest a touch panel detecting a point at which a first transparent electrode is electrically connected to a second transparent electrode to detect a position of an object that touches an outer surface of the touch panel, as recited in claim 13 for at least the same reasons provided above for claim 1.

Further, claim 13 is allowable for additional reasons. For example, with respect to the aspect of a second retardation member disposed on a first retardation member, the Examiner states that "it is well known to form quarter waver plate from two retarders in order to improve the spectral response". Applicants respectfully disagree.

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. See MPEP 2144.03, In re Ahlert, 424 F.2d at 1091, 165 USPQ at 420-21. The Examiner states that “it was well known to form quarter wave plate from two retarders in order to improve the spectral response.” Applicants respectfully disagree. Disposing a second retardation member on a first retardation member for use in a touch panel is not capable of instant and unquestionable demonstration as being well-known. Accordingly, Applicants respectfully submit that without adequate evidence supporting the Examiner’s assertion, the rejection is not valid.

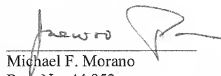
Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 5-8 and 13 under 35 U.S.C. § 103(a) and that claims 5-8 and 13 are in condition for allowance.

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the Examiner’s indication that claims 2-3, 9-12 and 14-17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants reserve the right to rewrite claims 2-3, 9-12 and 14-17 in independent form in a subsequent response or communication.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Morano", is written over a horizontal line.

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